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09/897,594	06/29/2001	Vladimir Neyman	P/3879.27	9717

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3692

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07/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/897,594

Applicant(s)

NEYMAN ET AL.

Examiner

Clement B. Graham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 17, 20, 22-25, 27-29 and 35-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-17, 20, 22-25, 27-29, 35-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-15, 18-19, 21, 26, and 30-34 has been cancelled and claims 16-17, 20, 22-25, 27-29, 35-39, remained pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16-17, 20, 22-25, 27-29, 35-39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hereinafter Togher et al (Hereinafter Togher U.S Patent 6, 996, 541) in view Jain et al (Hereinafter Jain U.S Patent 6, 343, 278).

As per claim 16, Togher discloses an anonymous trading system for trading instruments between traders; comprising:

a plurality of order input devices;

a network of brokers, each broker comprising a matching engine for matching bids and offers entered into the system and for assisting in executing deals where orders are matched, and market distribution means for distributing price messages to order input devices(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

and providing an interface between a trading floor of said order input devices and the broker, wherein at least one of the brokers include means for matching and executing joint execution orders comprising a plurality of orders. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

Togher fail to explicitly teach entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all

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of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order.

However Jain teaches entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order.(fig 4, 5; column 3, lines 31-48; column 11, Lines 59-66; column 13, lines 4-7, lines 19-27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to modify the teachings of Togher to include entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order taught by Jin in order to implement this feature for the advantage of providing greater market liquidity and flexibility in terms of potential market participants.

As per Claim 17, Togher discloses wherein each of said plurality of comprise said means for matching. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31). Togher fail to explicitly teach executing joint execution orders.

However Jain teaches entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order.(fig 4, 5; column 3, lines 31-48; column 11, Lines 59-66; column 13, lines 4-7, lines 19-27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to modify the teachings of Togher to include executing joint execution orders taught by Jin in order to implement this feature for the advantage of providing greater market liquidity and flexibility in terms of potential market participants.

As per claim 20, Togher discloses wherein said means for matching and executing joint execution orders includes, at each trading broker, means for converting a simple order for a first transaction type input from a order input device connected to the trading agent. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

Togher fail to explicitly teach joint execution order for a second and third transaction type.

However Jain teaches entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order.(fig 4, 5; column 3, lines 31-48; column 11, Lines 59-66; column 13, lines 4-7, lines 19-27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to modify the teachings of Togher to include joint execution order for a second and third transaction type taught by Jin in order to implement this feature for the advantage of providing greater market liquidity and flexibility in terms of potential market participants.

As per claim 22, Togher discloses wherein said first transaction type is a currency pair having first and second currencies, said second transaction type is a second currency pair comprising said first currency and a third currency and the third transaction type is a third currency pair comprising said second currency and said third currency. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

Togher fail to explicitly teach joint execution.

However Jain teaches entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order.(fig 4, 5; column 3, lines 31-48; column 11, Lines 59-66; column 13, lines 4-7, lines 19-27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to modify the teachings of Togher to include joint execution taught by Jin in order to implement this feature for the advantage of providing greater market liquidity and flexibility in terms of potential market participants.

As per claim 23, Togher discloses wherein the means for matching joint execution orders comprises, at the broker, means for matching each order of the compound order and, if less than all of the orders can be matched. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

Togher fail to explicitly teach for rejecting the joint execution order and joint execution.

However Jain teaches entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order.(fig 4, 5; column 3, lines 31-48; column 11, Lines 59-66; column 13, lines 4-7, lines 19-27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to modify the teachings of Togher to include joint execution taught by Jin in order to implement this feature for the advantage of providing greater market liquidity and flexibility in terms of potential market participants.

As per claim 24, Togher fail to explicitly wherein the joint execution orders are invisible hits.

However Jain teaches entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order.(fig 4, 5; column 3, lines 31-48; column 11, Lines 59-66; column 13, lines 4-7, lines 19-27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to modify the teachings of Togher to include joint execution

orders are invisible hits taught by Jin in order to implement this feature for the advantage of providing greater market liquidity and flexibility in terms of potential market participants.

As per claim 25, Togher discloses wherein the are persistent whereby the broker stores one or more orders that cannot be matched immediately for a given time and attempts to match the stored orders with quotes subsequently entered into the system and passed to the broker. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31). Togher fail to explicitly wherein the joint execution orders.

However Jain teaches entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order.(fig 4, 5; column 3, lines 31-48; column 11, Lines 59-66; column 13, lines 4-7, lines 19-27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to modify the teachings of Togher to include joint execution orders taught by Jin in order to implement this feature for the advantage of providing greater market liquidity and flexibility in terms of potential market participants.

As per claim 27, Togher discloses wherein the means for matching and executing joint execution orders comprises means for receiving a message indicating that each of said orders comprising said joint execution order is executable and means for when all orders in the. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

Togher fail to explicitly teach completing the joint execution order only and joint execution order are executable.

However Jain teaches entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the

joint execution order.(fig 4, 5; column 3, lines 31-48; column 11, Lines 59-66; column 13, lines 4-7, lines 19-27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to modify the teachings of Togher to include joint execution orders taught by Jin in order to implement this feature for the advantage of providing greater market liquidity and flexibility in terms of potential market participants.

As per claim 28, Togher discloses wherein an order is executable only after completion of a credit check on the counterparty. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 29, Togher discloses wherein the means for matching and executing orders comprises means for adjusting the volume of each of the orders to correspond to the volume of the smallest executable order. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

Togher fail to explicitly joint execution orders .

However Jain teaches entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order.(fig 4, 5; column 3, lines 31-48; column 11, Lines 59-66; column 13, lines 4-7, lines 19-27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to modify the teachings of Togher to include joint execution orders taught by Jin in order to implement this feature for the advantage of providing greater market liquidity and flexibility in terms of potential market participants.

As per claim 35, Togher discloses an anonymous trading system for trading synthesised currency pairs between traders comprising:
a plurality of order input devices;

a network brokers each broker comprising of matching engines, each matching engine matching bid and offer orders entered into the system and assisting in the execution of deals where bid and offer orders have been matched(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

market distribution means for distributing information relating to bid and offer orders in the system to the trader terminals and interface;

a plurality of interfaces between trading floors each having one or more of the quote input devices and the matching engines(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31) means for synthesising bid and offer orders for transactions between a pair of currencies having a first currency and a second currency from bid and offer orders entered into the system for transactions between a currency pair comprising the first currency and a third currency and bid and offer orders entered into the system for transactions between a currency pair comprising the second currency and the third currency;

means at the matching engines and the interfaces for matching and executing joint execution orders comprising a plurality of orders (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31) the interfaces further include means for converting a bid or offer order in said synthetic currency pair into a joint execution order comprising an order in each of said currency pair comprising the first and third currency and said currency pair comprising the second and third currency. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

Togher fail to explicitly teach linked together entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order.

However Jain teaches entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order.(fig 4, 5; column 3, lines 31-48; column 11, Lines 59-66; column 13, lines 4-7, lines 19-27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to modify the teachings of Togher to include linked together entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order taught by Jin in order to implement this feature for the advantage of providing greater market liquidity and flexibility in terms of potential market participants.

As per claim 36, Togher discloses wherein said bid or offer order in said synthetic currency pair is an invisible order. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 37, Togher discloses wherein said bid or offer order in said synthetic currency pair is a persistent order. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 38, Togher discloses an anonymous trading system for trading instruments between traders comprising:

- a plurality of trader terminals;

- a network of brokers, each broker comprising a matching engine for matching bid and offer orders entered into the system and for assisting in executing deals where orders are matched, and market distribution means for distributing price messages to trader terminals(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

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a plurality interfaces between trading floors of said trader terminals and the brokers; wherein the interfaces each further comprise means for entering compound orders comprising a series of bid or offer orders and a deal limit, wherein the sum of the orders is greater than the deal limit, and the brokers each comprise means for cancelling the orders in the compound order when an amount equal to the deal limit has been executed. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 39, Togher discloses an anonymous trading system for trading synthesised currency pairs between traders comprising:

a plurality of order input devices;

at least one matching engine for matching bid and offer orders entered into the system and assisting in the execution of deals where bid and offer orders have been matched(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

market distribution means for distributing information relating to bid and offer orders in the system to the trader terminals;

means for synthesising bid and offer orders for transactions between a pair of currencies having a first currency and a second currency from bid and offer orders entered into the system for transactions between a currency pair comprising the first currency and a third currency and bid and offer orders entered into the system for transactions between a currency pair comprising the second currency and the third currency(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

means for matching and executing orders comprising a plurality of orders linked together wherein such that all of said linked orders are either- executed together or all of said linked orders are rejected together(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

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and means for converting a bid or offer order in said synthetic currency pair into a joint execution order comprising an order in each of said currency pair comprising the first and third currency and said currency pair comprising the second and third currency. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

Togher fail to explicitly teach linked together entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order.

However Jain teaches entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order. (fig 4, 5; column 3, lines 31-48; column 11, Lines 59-66; column 13, lines 4-7, lines 19-27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to modify the teachings of Togher to include linked together entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order taught by Jin in order to implement this feature for the advantage of providing greater market liquidity and flexibility in terms of potential market participants.

Conclusion

RESPONSE TO ARGUMENTS

4. Applicant's arguments filed 5/17/07 has been fully considered but they are not persuasive for the following reasons.
5. In response to Applicant's arguments that Togher and Jain fail to teach or suggest" However, Togher and Jain fail to teach a joint execution order, the orders of which are

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linked such that they may only be executed together or not at all and the synthesized currency pairs and no linking of orders in and broker" the Examiner disagrees with Applicant's because these limitations were addressed as stated in a combinations of teachings.

Togher teaches a plurality of order input devices;
a network of brokers, each broker comprising a matching engine for matching bids and offers entered into the system and for assisting in executing deals where orders are matched, and market distribution means for distributing price messages to order input devices(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)
and providing an interface between a trading floor of said order input devices and the broker, wherein at least one of the brokers include means for matching and executing joint execution orders comprising a plurality of orders. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31 and column 7 lines 9-27).

However Jain teaches entering a joint execution order comprising two or more linked orders and executing joint execution orders comprising a plurality of orders linked the means for matching and executing performing only one of executing as separate trades all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order.(fig 4, 5; column 3, lines 31-48; column 11, Lines 59-66; column 13, lines 4-7, lines 19-27 and multiple order as a group whereby orders are of similar type. see column 8 lines 55-67 and column 9 lines 1-40).

Further Applicant's claims states matching engine for matching bids and offers, however Applicant's claims do not state any processor used during the matching or execution process.

Therefore it is obviously clear that Applicant's claimed limitations were addressed within the teachings of Togher and Jain.

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 7571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

July 12, 2007


FRANTZY POINVIL
PRIMARY EXAMINER
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